

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 3:10-cv-00861
	)	
GREGG APPLIANCES, INC.	)	Judge Sharp
	)	Magistrate Judge Griffin
	)	
Defendant,	)	<u>JURY DEMAND</u>

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PLAINTIFF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S UNOPPOSED  
MOTION FOR LEAVE TO FILE MOTION FOR PARTIAL SUMMARY JUDGMENT

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Equal Employment Opportunity Commission (the Commission) moves pursuant to the Case Management Order (Doc. 20) for leave to file a motion for partial summary judgment. As grounds, the Commission respectfully submits that it would be for summary judgment on some of Defendant's affirmative defenses as asserted in its Answer (Doc. 12) as follows:

1. Failure to exhaust administrative remedies
2. Statute of limitations
6. Punitive damages are unconstitutional
7. Claimant was at-will employee

The Commission is not aware of any evidence in support of certain affirmative defenses, while it believes the last defense to be irrelevant. Thus, the Commission believes that these affirmative defenses can be resolved quickly, thereby simplifying matters for trial. The Commission has consulted Defendant and Defendant does not oppose leave to file a motion for partial summary

judgment, reserving objections to the motion itself. Accordingly, the Commission respectfully requests that the Court grant its motion for leave pursuant to the Case Management Order (Doc. 20) and allow it to file a motion for partial summary judgment as to some of Defendant's affirmative defenses in its Answer (Doc. 12).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on November 21, 2011, a copy of the foregoing Plaintiff Equal Employment Opportunity Commission's Motion for Leave to File Motion for Partial Summary Judgment was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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\_\_November 21, 2011\_\_\_\_\_  
Date

\_\_\_/s/Mark Chen\_\_\_\_\_  
Mark Chen, Senior Trial Attorney